

 <p style="text-align: center;"> ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction </p>	Index #: 404.10	Page 1 of 6
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Approved by: George M. Little		
Subject: ADMINISTRATIVE SEGREGATION, PLACEMENT, AND RELEASE		

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, and TCA 41-24-110.
- II. PURPOSE: To establish uniform procedures governing the placement, review, and release of inmates in administrative segregation.
- III. APPLICATION: To the Assistant Commissioner of Operations, Director of Classification Programs, Wardens, employees, and inmates of the Tennessee Department of Correction (TDOC) and privately managed facilities
- IV. DEFINITIONS:
 - A. Administrative Segregation (AS): The non-punitive segregation of inmates, for control purposes, who are believed to be a threat to the security of the institution, the welfare of staff, or to other inmates and the community.
 - B. Commissioner's Designee (CD): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CD, the contract monitor (CM) assigned to that facility will serve that function. In the absence of both the CD and CM at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the CD. If the CD is not reachable via phone, the CM will be contacted. If both the CD and CM are unavailable by telephone, the ranking shift officer at Turney Center Industrial Prison (TCIP) shall be contacted for required authorizations or notifications.
- V. POLICY: Administrative segregation may be utilized in instances when the Warden determines an inmate's presence in the general population poses a serious threat to the security/safety of the institution, staff, or other inmates and the community.
- VI. PROCEDURES:
 - A. Administrative Segregation Placement:
 1. Administrative segregation (maximum custody/security) is provided as a means of control and management. This level of segregation is for inmates who, because of conditions surrounding their incarceration, are believed to pose serious risks to the security and good order of the institution or to the safety of other inmates, staff, or the community and therefore require custody and security at the highest level. Inmates considered for this category shall include, but not be limited to, those who:
 - a. Have been returned to TDOC custody following an escape or attempted escape incident from a secure setting (custody levels of minimum restricted) or higher, or from minimum security with actual or threatened violence

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- b. Have been involved in acts or attempts of homicide, hostage situations, assault with serious injury, or an act which significantly threatens the order and control of a facility
 - c. Are involved in activities of Security Threat Groups (STG) to the extent that their presence in the general population carries the propensity for violence/harm, intimidation, or increased animosity between rival groups who are known to use violence
 - d. Are pending prosecution and disposition in criminal court for felony charges incurred during incarceration
 - e. Are found to be in possession of deadly weapons when there is a history of assaultive or threatening conduct with a weapon. Significance is added when the inmate is in the close custody level, or the weapon was a firearm, explosive device, etc.
 - f. TDOC inmates who have reached their sentence expiration dates and are being detained by TDOC for the U.S. Immigration and Naturalization Services (INS) under federal regulations (8CFR287.7) may be held in TDOC custody for a period of 48 hours beyond the sentence expiration date (excluding weekends and federal holidays). In such cases, the Memphis office of the INS usually takes custody; therefore, male inmates will be transferred to and detained at West Tennessee State Penitentiary. Female inmates will be detained at Mark Luttrell Correctional Center.
 - g. Have a sentence of death set aside and their case remanded to a court (until the county assumes custody or obtains order for safekeeping). If inmate has other active sentences, please refer to Policy #401.05.
2. The Warden/designee shall have the authority to place an inmate in AS when it is believed that a condition exists requiring immediate placement in AS to maintain security of the institution or to protect the staff and/or other inmates and the community. At privately managed facilities, the prior approval of the CD is required.
- a. An Administrative Segregation Placement, BI01D083, shall be initiated by the Warden or designee clearly stating the reason(s) for the recommendation (BI01D085 for privately managed facilities). This action shall be entered in Segregation (LIBD) as segregation type "INV", segregation reason "PHR". (At privately managed facilities, the form is to be forwarded to the CD for approval, and then returned to the Warden). A narrative of the details of the recommendation and approval/disapproval shall be entered on Offender Findings (LCLF).
 - b. At privately managed facilities, the CD shall sign the AS Placement or authorize by telephone the senior security officer to sign the form if not immediately available, as approving the placement or issue a signed

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memorandum denying the request. (See VI. (A)(7) when denied.) If the CD is not available in person or by telephone, the senior person on duty at the TDOC institution (TCIP) that has been designated by the Commissioner for this purpose shall have approving authority pending contact with the CD. The CD shall review and initial the document as soon as possible.

- c. When the placement is effected, (at privately managed facilities when the CD's approval has been granted and the placement is effected) a hearing by the disciplinary board shall occur within 72 hours. (See Policy #502.02.) The inmate shall receive written notice of the reason(s) for the placement, including disciplinary charges, if any, and be afforded the opportunity to present a statement during the hearing.
 - d. In cases where specific disciplinary rule violations are involved, the disciplinary board should hear and dispose of such charges first.
 - e. The Warden or designee may personally appear before the board or provide a written summary of the information pertaining to the case. The testimony of the Warden or any other witness may be taken in a closed session, in whole or part, when the witness's testimony could reasonably reveal the source of confidential information.
 - f. If the board finds that the Warden has substantial (even if subjective) reasons to believe that the inmate's continued presence in the general population presents a threat to the security of the institution, staff, or to other inmates, it shall approve the recommended placement. The board shall provide reason(s) for the approval. Segregation (LIBD) type "INV" shall be terminated and a new Segregation (LIBD) type "ASE" shall be entered, adding the most appropriate reason in the segregation reason field.
 - g. If the board does not concur with the Warden's recommended placement, the chairperson will immediately notify the Warden and submit a written memorandum stating the reasons. (At privately managed facilities the board will follow this policy requirement in reporting reasons for non concurrence to the Warden and CD.) In the meantime, the inmate will be returned to the general population unless the Warden disagrees. If the Warden disagrees with the board's recommendation, he/she shall provide the inmate with a detailed written explanation of the reasons he/she has determined that the board's recommendations should not be followed.
3. After hearing and disposing of a charge for a disciplinary rule infraction, the board may recommend that an inmate be placed in AS when it is believed that their continued presence in the general population may present a threat to security, the staff, or other inmates and the community.
 - a. The inmate shall be verbally advised by the board of its recommendation and be afforded the opportunity to present a statement during the hearing.

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- b. The board shall clearly state the reason(s) for the recommendation on the AS Placement Report sent to the Warden for approval along with any pertinent information regarding the offense which was available to the board at the panel hearing. At privately managed facilities, the Warden shall secure the approval of the CD prior to the segregation taking effect. (See VI. (A)(6) when denied.) Segregation (LIBD) entries shall be completed as required in Section VI. (A)(2)(a) above.
 - c. If the board has assessed a period of punitive segregation for the offense which resulted in the AS placement recommendation being made, that period of punitive segregation may be scheduled and served concurrently with the AS placement once the Warden (and CD at privately managed facilities) have approved the recommendation. The disposition shall be clearly noted on the AS Placement Report.
 - d. Confidential information may be deleted from the inmate's copy, but a statement of reasons for the recommendation/action must be given. Any report or written summary containing information which is considered confidential as it relates to the procedures in Section VI. (A) shall be so marked and forwarded to the institutional internal affairs file. Upon transfer of the inmate, such information shall be forwarded to the receiving institution's internal affairs file.
4. Upon approval of the placement, inmates on AS shall be designated maximum custody. This does not require a classification hearing; the maximum custody designation is automatically assigned by TOMIS subsequent to AS placement on Segregation (LIBD). Reason for the placement shall be posted on Offender Findings (LCLF) (code: AP)
5. Upon approval of the placement, Segregation (LIBD) type "INV" shall be terminated and a new Segregation (LIBD) type "ASE" shall be entered, adding the most appropriate reason in the segregation reason field.
6. If the Warden disapproves the AS placement, conversation Segregation (LIBD) shall be updated by terminating the "INV" segregation type. The inmate shall be returned to general population. The reasons for disapproval shall be posted on Offender Findings (LCLF) (code: AP). At privately managed facilities, if the CD does not concur with the Warden's recommended AS placement, the CD shall immediately refer the matter to the Assistant Commissioner of Operations, who shall render a decision within 72 hours. Such decision shall be final and appropriate TOMIS entries shall reflect the same.

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B. Review of AS Inmates:

1. Periodic reviews by the administrative review panel shall be provided to determine whether or not release from AS should occur. When reviewing an inmate's case for possible release from AS, the panel should consider the following factors in making the determination:
 - a. The inmate's complete institutional disciplinary record
 - b. Past criminal record
 - c. Past record of incarceration
 - d. Criminal activity in prison
 - e. Attitude towards authority
 - f. Institutional record on work assignment
 - g. Adjustment to program (period of segregation)
 - h. Willingness and ability to live harmoniously among others
 - i. Record of violent reactions to stressful situations
 - j. Existence of condition(s) which initially required segregation
 - k. Involvement in security threat group activity, if applicable.
2. Every seven (7) days from date signed by approving authority, an inmate's status will be reviewed by the administrative review panel or other authorized staff designated by the Warden during the first two (2) months in AS. The 4th and 8th week reviews shall be in accordance with VI. (B)(3) below. Weekly reviews are documented on Contact Notes (LCDG) (Code: ASRV) and shall include a summary of the inmate's adjustment as well as panel members present.
3. A hearing before the administrative review panel should occur at least once every thirty (30) calendar days, and recommendations shall be documented on the AS Review Report, BI01D084, and forwarded to the Warden. Monthly panel hearings are to be documented on Offender Findings (LCLF) (Code: AS). The Warden will review the recommendations of the panel and make the final decision. If the Warden believes the inmate should remain under AS where the panel has recommended release, there shall be a detailed statement of reasons prepared with a copy provided to the inmate. At privately managed facilities, the CD shall review the matter for approval. (See VI.(A)(6) when denied.)
4. All hearings at the institutional level shall be conducted with the inmate present unless the inmate's presence would cause concern for security or safety reasons, or the inmate refuses to attend, which shall be documented).
5. In cases of the panel recommending release from AS for four (4) consecutive months, where the Warden has believed it necessary to continue segregation, the Warden shall forward all relevant documentation, including the reasons for the initial placement, to the Director of Classification. Within ten (10) working days, the Director shall convene an administrative review of the case with the Assistant Commissioner of Operations. The decision of the administrative review is final. Copies of the panel's decision shall be forwarded to the Warden and inmate.

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6. The Assistant Commissioner of Operations must approve a Warden's recommendation for release from an AS placement which resulted from incidents such as those described in Section VI. (A)(1)(a) or (b).
7. Release from AS requires subsequent reclassification by the classification panel
 - a. The panel shall consider the criteria listed above in Section VI. (B)(1).
 - b. Inmates released from AS shall be classified and assigned to the close custody level. However, a Level IV facility assignment should be considered when the AS placement involved the following types of offenses: assaulting an employee of the TDOC or private contractor operating the facility, a visitor, or an inmate (when such assault results in a serious injury or death of the inmate), or involvement in a hostage situation. The release will be posted on Offender Findings (LCLF) and Segregation (LIBD).

C. Required Assessments:

1. Within twenty-four (24) hours of the initial placement of an inmate in AS status, the inmate shall be seen by a member of the health services staff.
 - a. Thereafter, the inmate shall have daily access to health services staff, as long as they remain in segregation, per Policy #113.31.
 - b. Any adverse findings regarding the inmate's physical or mental health shall be forwarded in writing to the Warden, who shall advise the panel.
2. Within thirty (30) days of the initial placement of any inmate in AS status, that inmate shall be seen by a mental health professional per Policy #113.84.
 - a. Thereafter, the inmate shall be seen by a mental health professional at least every ninety (90) days, until released from segregation.
 - b. A mental health evaluation shall be completed at least every ninety (90) days and forwarded to the Warden, who in turn shall cause it to be used for review purposes by the panel.
3. A ranking correctional officer shall visit each inmate in AS on a daily basis. Upon permanent transfer, the sending facility will terminate the AS placement on Segregation (LIBD). The receiving facility will renew the segregation on Segregation (LIBD) with an Offender Findings (LCLF) note relative to the transfer and continuing segregation.

VII. ACA STANDARDS: 4-4249, 4-4250, 4-4252 through 4-4254, and 4-4256.

VIII. EXPIRATION DATE: March 1, 2010.